

REMARKS

This amendment is responsive to the Office Action mailed December 23, 2009. Applicant thanks the Examiner for his time and courtesy in discussing the claims with the undersigned counsel, as summarized below. Reconsideration and allowance of the amended application is respectfully requested.

Status of the Claims

Claims 1, 40-46, and 109-125 are currently being examined while Claims 2-39 and 47-99 stand withdrawn. Claims 1, 109, 117, and 125 are independent.

By this amendment, Claims 1, 4, 5, 8-10, 19, 29, 33, 35, 38, 42, 49, 51, 53, 62, 84, 109, 112, 117, 118, 120-122, and 125 have been amended. Upon allowance of generic Claim 1, applicant requests rejoinder and allowance of withdrawn Claims 2-39 and 47-99. Applicant submits that Claims 2-39 and 47-99 meet the requirements of Section 112 and are in condition for allowance.

Summary of Examiner Interviews

Applicant thanks Examiner Bartley for the telephone interviews that were conducted with the undersigned counsel on December 29, 2009; February 17, 2010; March 16, 2010; and April 13, 2010. The substance of each of these interviews is as follows:

The interview on December 29, 2009, focused primarily on Claim 1 and the issues that were raised in the Office Action under Section 112, second paragraph. Proposed amendments were provided to the Examiner and discussed. The Examiner agreed to review the proposed amendments with his supervisor, Examiner Patel.

On February 17, 2010, the Examiner and the undersigned counsel discussed the application, again focusing primarily on Claim 1 and discussing further claim amendments that would help clarify the claim elements. The Examiner again agreed to further review the amended claim language.

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During the interview on March 16, 2010, the Examiner and the undersigned counsel discussed additional amendments to Claim 1 and support for the amendments in the specification.

On April 13, 2010, the Examiner indicated he was prepared to conduct further examination based on the claims as discussed and recommended to the undersigned counsel that applicant proceed to submit the discussed amendments. Applicant thanks the Examiner for the progress that has been made in the prosecution of this application.

The final amendments to Claim 1, as discussed with the Examiner, are presented herewith. Corresponding amendments have been made to the other independent claims, while certain dependent claims have been amended for consistency.

Amended Claims Meet the Requirements of 35 U.S.C. § 112

The Office Action rejected Claims 1, 40-46, and 109-125 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. While the Office Action (pages 3-4) set forth certain interpretations of prior claim language, applicant does not concede that these interpretations are proper. Rather, to address the concerns under Section 112, applicant has amended the claims as presented herewith. From the above-noted discussions with the Examiner, it is understood that the amended claims meet the requirements of Section 112. Accordingly, withdrawal of the rejections under Section 112 is merited.

The Office Action also requested information regarding support in the specification for the elements recited in Claim 125 using means plus function format. Applicant respectfully submits that the means claimed in Claim 125 are supported by algorithms in the specification that transform a general purpose computer to a special purpose computer.

As acknowledged in discussion with the Examiner, the means claimed in Claim 125 are implemented using a computer system, e.g., as described in paragraph [0042] of the application as published (U.S. 2001/0044770). Pairing of orders received is described, for example, in paragraphs [0056] and [0143], among other places.

The present application describes mirror ELF (mE) programs that couple order umpires (or market processes, e.g., first and second market processes) for synchronizing actions taken by the order umpires. *See, e.g.*, FIGURE 1 (mEs 50, 51, 52, 53); paragraphs [0677] to [0688]; paragraphs [0191] to [0194]; and paragraphs [0089] to [0095] of the application as published. A mirror ELF is also referred to in the application as a "representation process." See, e.g., paragraph [0089], lines 3-4.

Paragraphs [0089] to [0095], noted above, describe embodiments showing the operation of a mirror ELF. In paragraphs [0677] to [0688], a use case is described in which a mirror ELF is used to synchronize two markets, while paragraphs [0191] to [0194] describe a service of the system 5 for synchronization of orders in multiple markets.

As explained at paragraph [0143], a pairing may be an execution, and as explained at paragraph [0092], when a mirror ELF (mE) receives an "execute" action or instruction from one order umpire (market process), it converts the action to a "cancel for execution" instruction that is sent, according to paragraph [0093], to the other order umpire (market process).

As also explained in the application, for example at paragraph [0096], "[a]n order umpire (oU) program serves as a facility that implements the rules of engagement between two or more ELFs [electronic liquidity finders, also referred to in paragraph [0046] as trading processes] for exchanging information or merchandise." In paragraph [0143], oUs are described as "pairing" orders resulting in an execution of the orders. The orders are for buying and selling items, e.g., as described in paragraphs [0056], [0134], among other places.

Algorithms are also described for processing of pairing reports, e.g., at FIGURE 39, paragraphs [0453] et seq., and paragraphs [0569] to [0571].

The means elements claimed in Claim 125 are properly supported by algorithms described in the specification as filed.

CONCLUSION

For at least the above reasons, applicant believes that Claims 1, 40-46, and 109-125 are in condition for allowance. Additionally, in view of the patentability of Claims 1, 40-46, and 109-125, rejoinder and allowance of withdrawn Claims 2-39 and 47-99 is also proper, as these claims are dependent either directly or indirectly on allowable Claim 1.

Withdrawal of the claim rejections, rejoinder of the withdrawn claims, and issuance of a notice of allowance is respectfully requested.

Respectfully submitted,

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